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c 446 Regulations Act

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CHAPTER 446

Regulations Act

1. In this Act,

Interpre-
tation

- (a) "file" means file in the manner prescribed in section 2;
- (b) "Minister" means the member of the Executive Council to whom the administration of this Act is assigned by the Lieutenant Governor in Council;
- (c) "Registrar" means the Registrar of Regulations;
- (d) "regulation" means a regulation, rule, order or by-law of a legislative nature made or approved under an Act of the Legislature by the Lieutenant Governor in Council, a minister of the Crown, an official of the government or a board or commission all the members of which are appointed by the Lieutenant Governor in Council, but does not include,
 - (i) a by-law of a municipality or local board as defined in the *Municipal Affairs Act*, R.S.O. 1980,
c. 303
 - (ii) a regulation made under *The Broker-Dealers Act, 1947*, *the Teaching Profession Act*, section 78 of the *Cemeteries Act* or by an authority under section 30 of the *Conservation Authorities Act*, or a by-law of a hospital made under the *Public Hospitals Act*, or the constitution and by-laws of an association made under the *Agricultural Associations Act*, 1947, c. 8
R.S.O. 1980,
cc. 495, 59,
85, 410, 8
 - (iii) an order of the Ontario Municipal Board, other than an order prescribing the rules governing proceedings before the Board,
 - (iv) an order, direction or designation of the Lieutenant Governor in Council under section 7, 29, 40, 41, 42, 44 or 65 of the *Public Transportation and Highway Improvement Act* or a designation by the Minister of Transportation and Communications under section 43 or 91 of that Act, R.S.O. 1980,
c. 421

- (v) a schedule of classifications for civil servants, including qualifications, duties and salaries prescribed under the *Public Service Act*, or

R.S.O. 1980,
c. 418

- (vi) an order, approval, regulation, prescription, direction or instruction of the Minister of Intergovernmental Affairs or the Ministry of Intergovernmental Affairs that the Minister or the Ministry is empowered to give or make under the *Municipal Act* or under the *Municipal Affairs Act*, except clause 6 (b) thereof. R.S.O. 1970, c. 410, s. 1; 1971, c. 61, s. 1; 1972, c. 1, ss. 1, 100 (2). 104 (6); 1972, c. 3, s. 17.

R.S.O. 1980,
cc. 302, 303

Filing
required

2.—(1) Every regulation shall be filed in duplicate with the Registrar together with a certificate in duplicate of its making signed by the authority making it or a responsible officer thereof and, where approval is required, with a certificate of approval in duplicate signed by the authority so approving or by a responsible officer thereof, except that in the case of a regulation made by a minister that does not require approval, no certificate is required.

Copy from
Executive
Council

(2) Where a regulation is made or approved by the Lieutenant Governor in Council, the filing with the Registrar of two copies of it certified to be true copies by the Clerk of the Executive Council shall be deemed to be compliance with subsection (1). R.S.O. 1970, c. 410, s. 2.

Commence-
ment

3. Unless otherwise stated in it, a regulation comes into force and has effect on and after the day upon which it is filed. R.S.O. 1970, c. 410, s. 3.

Failure
to file

4. Except where otherwise provided, a regulation that is not filed has no effect. R.S.O. 1970, c. 410, s. 4.

Publication

5.—(1) Every regulation shall be published in *The Ontario Gazette* within one month of its filing.

Extension
of time for
publication

(2) The Minister may at any time by order extend the time for publication of a regulation and the order shall be published with the regulation.

Effect of
non-
publication

(3) A regulation that is not published is not effective against a person who has not had actual notice of it.

(4) Publication of a regulation,

Effect of
publication

(a) is *prima facie* proof of its text and of its making, its approval where required, and its filing; and

(b) shall be deemed to be notice of its contents to every person subject to it or affected by it,

and judicial notice shall be taken of it, of its contents and of its publication. R.S.O. 1970, c. 410, s. 5.

6. The Minister may,

Powers of
Minister

(a) determine whether a regulation, rule, order or by-law is a regulation within the meaning of this Act and his decision is final;

(b) determine who shall be deemed responsible officers within the meaning of section 2; and

(c) determine any matter that may arise in connection with the administration of this Act. R.S.O. 1970, c. 410, s. 6.

7.—(1) There shall be a Registrar of Regulations appointed by the Lieutenant Governor in Council who,

Registrar

(a) is responsible for the numbering and indexing of all regulations filed in his office and for their publication; and

(b) shall exercise such powers and perform such duties as are vested in or imposed upon him by this Act, the regulations made hereunder, or the Minister.

(2) The Registrar may issue a certificate as to the filing of a regulation and every such certificate is *prima facie* proof of the facts stated in it without any proof of appointment or signature.

Certificate
of Registrar

(3) Where a map or plan,

Filing of
maps or
plans

(a) forms part of a regulation for the purpose of illustrating a description of land; and

(b) is identified in the regulation by a number given to it by the Registrar,

and the regulation states that the map or plan is filed in the office of the Registrar, he may in his discretion

file the map or plan in his office in numerical order and no publication of the map or plan is necessary. R.S.O. 1970, c. 410, s. 7.

Numbering **8.** Regulations shall be numbered in the order in which they are filed, and a new series shall be commenced each year. R.S.O. 1970, c. 410, s. 8.

Citation **9.** A regulation may be cited or referred to as "Ontario Regulation" or "O. Reg." followed by its filing number, a virgule and the last two figures of the year of its filing. R.S.O. 1970, c. 410, s. 9.

Regulations **10.—(1)** The Lieutenant Governor in Council may make regulations,

- (a) prescribing the powers and duties of the Registrar;
- (b) prescribing the form, arrangement and scheme of regulations;
- (c) prescribing a system of indexing;
- (d) providing for the preparation and publication of a consolidation or codification of regulations that have been filed, and for the preparation and publication of supplements thereto;
- (e) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Consolidation, codification (2) Publication of a regulation in a consolidation or codification or supplement thereto mentioned in clause (1) (d) shall be deemed publication within the meaning of this Act. R.S.O. 1970, c. 410, s. 10.

Defects not corrected **11.** The filing or publication of a regulation under this Act does not have the effect of validating or correcting any such regulation that is otherwise invalid or defective in any respect or for any reason. R.S.O. 1970, c. 410, s. 11.

Standing Committee on Regulations **12.—(1)** At the commencement of each session of the Legislature a standing committee of the Assembly shall be appointed, to be known as the Standing Committee on Regulations, with authority to sit during the session.

Regulations referred (2) Every regulation stands permanently referred to the Standing Committee on Regulations for the purposes of subsection (3).

(3) The Standing Committee on Regulations shall examine the regulations with particular reference to the scope and method of the exercise of delegated legislative power but without reference to the merits of the policy or objectives to be effected by the regulations or enabling statutes, and shall deal with such other matters as are referred to it from time to time by the Assembly. ^{Terms of reference}

(4) The Standing Committee on Regulations may examine any member of the Executive Council or any public servant designated by any such member respecting any regulation made under an Act that is under his administration. ^{Authority to call persons}

(5) The Standing Committee on Regulations shall, from time to time, report to the Assembly its observations, opinions and recommendations. ^{Report} R.S.O. 1970, c. 410, s. 12.